IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19012 of 2004

Between:

Dr. T. Kameswara Rao, S/o. Late T. Jagannatham,
Occ: Doctor, R/o. Plot No.15, Sai Ansh Arcade, Druga Vihar Colony,
Trimulgherry, Secunderabad.

..... PETITIONER

AND

1 Mr. Ch. Surya Prakash, S/o. Ch. Narayana,
Occ: Business, Sanjeevaiah Nagar Colony, Tarbund, Secunderabad.
2 The Chief Executive Officer, Secunderabad Cantonment Board,
Secunderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ or direction more in the nature of writ of Mandamus directing the 2nd respondent to take steps against the respondent No.1 under the Cantonments Act, 1924 for stopping and removing the unauthorized and illegal constructions being made by the respondent No.1 on land admeasuring about 260 Sq. Yds. in Sy.No.96 to 99 of Trimulgherry village, Secunderabad Cantonment.

Counsel for the Petitioner: MR.A.P.VENUGOPAL

Counsel for the Respondent No2: MR.DEEPAK BHATTACHARJEE

Counsel for the Respondent No.4:------

The Court at the stage of admission made the following :

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Oral Order:

The main grievance of the petitioner as stated in the affidavit is that the 1st respondent without leaving any set backs projecting pillars and balconies upto the compound wall of the petitioner's property. In effect, petitioner is deprived of easementary right of free flow of light and air. If that be the case, the proper remedy for the petitioner is to approach the competent Civil Court with necessary pleadings for obtaining injunction for restraining the 1st respondent—neighbour from proceeding with the said construction in contravention of the sanctioned plan. It is need less to observe that when the petitioner made a representation to the respondents, who sanctioned the plan, they are under obligation to see that such construction should be made in accordance with the sanctioned plan, and if any deviation is made out, they have to take necessary action against the concerned.

The writ petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

14-10-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chief Executive Officer, Secunderabad Cantonment Board, Secunderabad.

2.2CD copies